

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	17-Mar-08	APPL. S. N.:	10821996
To Examiner:	MONTOYA, OSCHTA I	Art Unit	2623
From	Jefferson, Henry PARALEGAL SPCEIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. **THIS IS AN INFORMAL, INTERNAL MEMO ONLY.** **IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE.** When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:

Application Number 	Application/Control No. 10/821,996	Applicant(s)/Patent under Reexamination KESSLER, DAMIEN

Document Code - DISQ

Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : January 24, 2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson



PATENT
Attorney Docket No. 07095.0040-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Damien KESSLER) Group Art Unit: 2623
Application No.: 10/821,996) Examiner: Montoya, Oschta I.
Filed: April 29, 2004)
For: METHOD AND APPARATUS) Confirmation No.: 1584
FOR MAINTAINING A DIGITAL)
TELEVISION RECEIVER)
DATABASE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignees, Sony Corporation, duly organized under the laws of Japan and having its principal place of business at Toyko, JAPAN, and Sony Electronics, Inc., duly organized under the laws of the United States and having its principal place of business at 1 Sony Dr., Park Ridge, NJ 07656, represents that they are collectively the assignees of the entire right, title and interest in and to the above-identified application, Application No. 10/821,996 filed April 29, 2004, for METHOD AND APPARATUS FOR MAINTAINING A DIGITAL TELEVISION RECEIVER DATABASE in the name of Damien KESSLER, as evidenced by assignment duly recorded in the U.S. Patent and Trademark Office at Reel 010944, Frame 0441.

Assignees, Sony Corporation and Sony Electronics, Inc., further represent that they are the assignees of the entire right, title and interest in and to U.S. Patent No. 6,741,288 issued May 25, 2004 for METHOD AND APPARATUS FOR MAINTAINING A DIGITAL TELEVISION RECEIVER DATABASE in the name of Damien KESSLER, as evidenced by assignment duly recorded in the U.S. Patent and Trademark Office at Reel 010944, Frame 0441.

To obviate a double patenting rejection, Assignees hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,741,288

Assignees hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the other patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignees do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,741,288, as presently shortened by any terminal disclaimer, in the event that later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 24, 2008

By


Robert E. Converse, Jr.
Reg. No. 27,432